

Oct 11, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NICKOLAS BINGLE; KEISHA COLL
JOHNSON; JAMES DEARING;
KASSONDRA JACKSON; DYLAN
KNELL; RAGHDA KASSIM;
KATHRYN MORGAN; JOY PUTNAM,
on behalf of herself and all others similarly
situated; IAN HALL, on behalf of himself
and all others similarly situated;
Plaintiffs,
v.

No. 2:19-cv-00149-SAB
No. 2:19-cv-00148-SAB
No. 2:19-cv-00150-SAB
No. 2:19-cv-00146-SAB
No. 2:19-cv-00144-SAB
No. 2:19-cv-00145-SAB
No. 2:19-cv-00143-SAB
No. 2:19-cv-00189-SAB
No. 2:19-cv-00239-SAB

PORTFOLIO RECOVERY ASSETS,
LLC, a Delaware Limited Liability
Company; and MACHOL & JOHANNES,
LLC, a Washington Limited Liability
Company,
Defendants.

**ORDER CONSOLIDATING FOR
DISCOVERY AND PRETRIAL
PURPOSES**

Before the Court are Motions to Consolidate for Discovery, Case Nos.
19-cv-143, 144, 145, 146, 148, 149, 150, ECF Nos. 10; Case No. 19-cv-0239, ECF
No. 8. The motions were heard without oral argument. The parties ask the Court to
consolidate these nine cases as the substantially similar complaints all pursue

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1 identical theories of liability under the Fair Debt Collection Practices Act and
2 contain substantially similar allegations. Counsel for Plaintiffs does not contest
3 consolidation of the individual cases, but contests that cases Nos. 2:19-cv-00189
4 and 2:19-cv-00239 are not appropriate for consolidation, as the other cases
5 proposed for consolidation contain potentially valid arbitration clauses.

6 This Court has the discretion to consolidate actions that “involve a common
7 question of law or fact.” Fed. R. Civ. P. 42(a). “In determining whether or not to
8 consolidate cases, the Court should ‘weigh the interest of judicial convenience
9 against the potential for delay, confusion and prejudice.’ ” *Zhu v. UCBH Holdings,*
10 *Inc.*, 682 F.Supp.2d 1049, 1052 (N.D. Cal. 2010) (quoting *Southwest Marine, Inc.*
11 *v. Triple A Machine Shop, Inc.*, 720 F.Supp. 805, 806–807 (N.D. Cal. 1989)).

12 The Court finds it appropriate to consolidate for the limited purposes of
13 discovery and pretrial motions under Fed. R. Civ. P. 42(a). Plaintiffs share the
14 same counsel, and the cases involve substantially similar underlying facts and legal
15 theories. Consolidation thus furthers judicial convenience and efficiency. That
16 some but not all of the cases may have an arbitration clause as an affirmative
17 defense does not introduce confusion or prejudice. Any forthcoming motion to
18 compel arbitration pursuant to such a clause will only apply to the relevant Parties.
19 The potential for consolidation for trial will be reserved until a later date.

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Accordingly, **IT IS HEREBY ORDERED:**

1. The Motions to Consolidate for Discovery: ECF Nos. 10 in cases Nos: 2:19-cv-00143-SAB; 00144-SAB; 00145-SAB; 00146-SAB; 00148-SAB; 00149-SAB; and 00150-SAB; ECF No. 6 in case No. 2:19-cv-00189-SAB; and ECF No. 8 in case No. 2:19-cv-00239-SAB are **GRANTED**. These cases are consolidated for discovery and pretrial motions.

2. All pretrial pleadings and motions shall be filed under Case No. 2:19-cv-00143 SAB, unless the Court directs otherwise.

IT IS SO ORDERED. The Clerk of Court is directed to enter this Order and forward copies to counsel.

DATED this 11th day of October 2019.



A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Stanley A. Bastian
United States District Judge